

REMARKS

This is in full and timely response to the Official Action dated May 24, 2004 (Paper No. 04). Reexamination and reconsideration are respectfully requested.

As presented, claims 1 to 12 were under consideration, and a substitute specification had been accepted to prepare this application for final printing. By this response, as will be specifically argued, rejected claims 1, 3 and 11 are amended, and claims 2, 7 to 10 and 12 are canceled. It should be noted that the Urabe reference applied to the rejection of claims 5 and 9 is not available as a reference in that it was pending at the filing of this application and issued thereafter to the assignee of this application. Withdrawal of reliance on Urabe is respectfully requested.

Claim to Priority

It is noted with appreciation that the certified copies in support of the priority claim have been received.

Information Disclosure Statement

The Applicant, through its representatives and attorneys, brings to the attention of the examiner the document noted at page 3 of the specification as filed. For the convenience of the examiner, an English language abstract is provided with that document, noting that its English-language equivalent, U.S. Pat. No. 6,462,735, based on the application that became the cited Japanese Laid-Open publication, was cited by the examiner and relied upon in this Action. Thus, equivalent art is already of record as a result of the precise examination by the examiner, obviating a need to submit a PTO-1449 Form and a fee to gain consideration of the Japanese publication.

Drawings

The drawings are corrected in Fig. 1 to change the number of bits input to the LUT memory 13 from 10 as shown to 11, according to the suggestion of the examiner.

Rejection of claim 1

Claim 1 had been rejected as allegedly being anticipated by the patent to Hwung, No. 5,473,373. Without acquiescence in or agreement with the rejection, the subject matter of claim 2 is now incorporated into claim 1 on which it had depended. Thus, the rejection of claim 1 as posited by the examiner is overcome as moot.

Rejections of claims 2 to 4, 6 to 8 and 10 to 12

Claims 2 to 4, 6 to 8 and 10 to 12 were initially rejected as unpatentable over Hwung, noted above, in view of Naito, No. 6,462, 735. This rejection is respectfully traversed.

First, it should be noted that the cited '735 patent is the English language equivalent of the JP publication mentioned at page 3 of the specification as filed. As there stated, the technique involves a gamma correction where the number of bits output is two different than the number of bits input. Note, for example, the 8-bit and 10-bit recitation in the abstract of the '735 patent, among other places.

Furthermore, please refer to the critique of that technique in the paragraph spanning pages 3 and 4 of the specification as filed, and the associated difficulties noted in the first full paragraph on page 4 of the specification as filed. Given that discussion, one of skill in the art would not have an incentive to look to the '735 patent for teachings to modify the Hwung patent, even if such a modification were otherwise appropriate.

Independent claims 1, 3 and 11 each refer to the use of a gamma-correction table wherein the number of bits input to the gamma correction unit is set at a value greater than the number of bits output from that unit, wherein a signal processing unit is provided at a preceding state and used to apply an arbitrary gain to the video signal. Nothing is found in the '735 patent that discusses this technique in sufficient enabling detail for one of skill in the art. Moreover, each of the independent claims notes that the number of bits out from the gamma correction unit is set at a value greater than the number of bits input to the signal processing unit. Support is found in the discussion of Fig. 1, for example, where an 8-bit signal is provided to the signal processing unit 11, an 11 bit signal provided to the LUT ("look-up table") memory 13, and a 10 bit signal output from the memory and the rear stage processing unit 14.

Claims 4, 5 and 6 are retained dependent on claim 3 and are thus allowable for at least the same reasons that amended claim 3 is allowable.

Claims 7 to 10 are here canceled, so that any rejection thereof is moot or, to the extent continued with respect to claim 3, overcome by argument as noted.

Claim 11 is similarly allowable, with claim 12 canceled.

But, even a more persuasive reason exists for withdrawing the rejection, i.e. the rejection as stated fails to make a prima facie case presenting a finding for an incentive or motivation to modify Hwung with the teachings of Naito. The examiner merely contends that Hwung does not discuss the sought after bit relationship presented in these amended claims, but found that it would have been obvious to modify Hwung thusly, see the first full paragraph on page 4 of the Action, for example. Nothing in either reference supplies the necessary finding for a motivation or impetus to make the modification in the absence of the hindsight disclosure found in the applicant's invention. See also the last full paragraph on page 6 of the Action and the second full paragraph on page 8 of the Action.

Rejections of claims 5 and 9

In these rejections, in which claim 5 remains in the case, reference was made to a Sony reference in support of the rejection. The Urabe reference is a 102(e) type of reference used in a section 103 context, and thus its use is proscribed by section 103(c). Withdrawal of the Urabe reference is requested.

Conclusion

Amended claims 1, 3 to 6, and 11 are submitted to be allowable over the art applied for the reasons stated.

Respectfully submitted,

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